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Lalit K. Loomba

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOSEPH JACKSON, : x  
Plaintiff, : Docket No.  
: 18-CV-3007 (JS)(AKT)  
: :  
-against- : COUNTY DEFENDANTS'  
NASSAU COUNTY; THE INCORPORATED VILLAGE : NOTICE OF MOTION  
OF FREEPORT; DETECTIVE ROBERT DEMPSEY; : TO DISMISS PLAINTIFF'S  
DETECTIVE GARY ABBONDANDELO; DETECTIVE : SECOND-AMENDED  
JOHN M. HOLLAND; DETECTIVE MICHAEL HERTS; : COMPLAINT AND TO  
DETECTIVE MARTIN ALGER; POLICE OFFICER : STRIKE EXHIBITS  
ROBERT MELENDEZ, DETECTIVE WALTER :  
SWENSON, DETECTIVE ANTHONY KOSIER; :  
DETECTIVE SERGEANT DAN SEVERIN; DORA :  
MULLEN, AS ADMINISTRATOR OF THE ESTATE OF :  
JERL MULLEN; JANE DOE, AS ADMINISTRATOR OF :  
THE ESTATE OF ARTHUR ZIMMER, and JOHN and :  
JANE DOE 1 through 20, :  
: Defendants. :  
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TO: ELEFTERAKIS, ELEFTERAKIS & PANEK  
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PLEASE TAKE NOTICE, that upon the annexed declaration of Lalit K. Loomba, Esq., dated April 17, 2020 (and the exhibits thereto); the accompanying memorandum of law dated April 17, 2020; and all the prior proceedings herein, defendants Nassau County, Det. Robert Dempsey, Det. Gary Abbondandelo, Det. John M. Holland, Det. Michael Herts, Det. Martin Alger, Detective Anthony

Kosier, Det. Sgt. Dan Severin, and Dora Mullen, as Administrator of the Estate of Jerl Mullen (collectively, the “County Defendants”) and Det. Walter Swenson, will move this Court, before the Hon. Joanne Seybert, on June 1, 2020, or on such other date as the Court may determine, for (i) an Order, pursuant to Rule 8(a) of the Federal Rules of Civil Procedure (“FRCP), dismissing the second-amended complaint in its entirety; or, alternatively, (ii) an Order, pursuant to FRCP Rule 10(c) and Rule 12(f), striking certain of the proposed exhibits from the second-amended complaint; (iii) an Order, pursuant to FRCP Rule 12(b)(6), dismissing certain claims for relief asserted in the second-amended complaint and dismissing all claims as against defendant Dora Mullen, as Administrator for the Estate of Jerl Mullen; (iv) an Order, pursuant to FRCP 4(m) dismissing the second-amended complaint as against Det. Walter Swenson to the extent service of process is not completed within 90 days from filing of the complaint; and (v) for such other further and different relief as the Court, in its discretion, may deem just and proper.

PLEASE TAKE FURTHER NOTICE that according to the briefing schedule set by the Court, opposition must be filed on or before May 18, 2020, and reply papers must be filed on or before June 1, 2020.

Dated: White Plains, New York  
April 17, 2020

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
Attorneys for County Defendants



Lalit K. Loomba

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